

## **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Final Office Action of November 25, 2009. Claims 3-6 and 10 have been canceled. Claims 1, 2, 7, 9 and 11-14 have been amended. New claims 15-22 have been added. Claims 1, 2, 7-9 and 11-22 remain in the application.

Reconsideration of the Application is requested.

### **The Office Action**

The Examiner objected to claim 1, stating it is grammatically incorrect to recite "...server adapted to provide a point-to-point content transmission service transmitting a multimedia...", and therefore requiring appropriate correction.

Applicant respectfully disagrees. The claimed phrase "adapted to provide a point-to-point content transmission service" is an appositive. Apposition results when the verbs (particularly verbs of being) in supporting clauses are eliminated to produce shorter descriptive phrases. The claimed MMSC server is adapted to provide a point-to-point content transmission service. The claimed first step recites the claimed MMSC server transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification including...".

Claim 10 was deleted.

The Examiner rejected claims 1,7 and 10-14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant thanks Examiner for pointing out claim limitations lacking proper antecedent basis and has corrected the claims as indicated below.

Claim 1 was amended to change "said message" to --a message-- on the second to last line of claim 1 to correct insufficient antecedent basis for this limitation.

Claim 7 was amended to change "the point-to-point link notification" to -- said MMS-standardized point-to-point link notification-- to provide proper antecedent basis for this limitation.

Claim 11 was amended to change "said content" to -- said MMS content-- on lines 9 and 14 to provide sufficient antecedent basis for this limitation.

Claim 12 was amended to change "said content" to -- said MMS content-- on line 5 to provide sufficient antecedent basis for this limitation.

Claim 13 was amended to change "said content" to -- said MMS content-- on lines 4-6 to provide sufficient antecedent basis for this limitation.

Claim 14 was amended to depend from claim 7 to provide antecedent basis for said Notification.ind messages.

Claims 1, 7, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) and in further view of US Pub 2002/0078228 to Kuisma et al (hereinafter Kuisma) and in further view of US Pub 2004/0029596 to Kim et al (hereinafter Kim) and in further view of US Pub 2004/0171383 to Fingerhut et al (hereinafter Fingerhut).

Claim 1 was amended to more particularly point out and distinctly claim that the MMS-standardized point-to-point link notification is sent to a plurality of mobile terminals having registered with said MMSC server as interested in the content prior to the first step.

Lipsanen teaches using request-response messaging, to provide a mobile terminal with broadcast information. In Lipsanen a mobile terminal accesses a portal page hosted on a Telecom/Portal server 120. The user's mobile terminal browser sends a "get n" message to the server 120, in the form of a request requesting broadcast information. In response, the server 120 sends a request to the Broadcast server 130 for service parameters. The broadcast server 130 sends these parameters to the server 120 via IP protocol messages, wherein the server 120 then sends them to the mobile terminal in response to the user's request.

As stated on page 7 of Lipsanen, when one wants to view a broadcasted TV program, either one currently playing or a subsequent program, they must initiate the request-response messaging by sending a request to obtain the service parameters of the broadcast.

The claimed notification message is not a request-response message and does not impose the closely associated temporal requirements inherent in the request-response messaging used in Lipsanen. Further, as claimed, notification message is sent at a time in the first step which is not closely linked to the time at which the users of

the mobile terminals expressed an interest in the content, that being prior to the first step. As described on page 6 of the Application, the terminals that receive this notification expressed an interest in its content through subscriptions, or as a result of a promotional campaign, etc.

Also, the first step includes sending the point-to-point link notification to a plurality of mobile terminals in this step. All of these mobile terminals expressed interest in the content at a time that was prior to the step in which the point-to-point link notification is sent to these terminals. This further distinguishes over the request-response messaging made by each of the individual terminals in Lipsanen.

Kuisma also teaches a response-request messaging scheme, one which uses an M-NOTIFIC-REQ message sent as a request by a mobile terminal, and an M-NOTIFIC-IND message sent as a response to the M-NOTIFIC-REQ message. The claimed point-to-point link notification messaging and claimed temporal limitations with regard to the first step patentably distinguishes over Kuisma for reasons similar to those stated above with regard to Lipsanen.

For these reasons, claim 1 and claims depending therefrom, patentably distinguish over Lipsanen in view of Kuisma further in view of Kim further in view of Fingerhut.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) and in further view of US Pub 2002/0078228 to Kuisma et al (hereinafter Kuisma) and in further view of US Pub 2004/0029596 to Kim et al (hereinafter Kim) and in further view of US Pub 2004/0171383 to Fingerhut et al (hereinafter Fingerhut) and in further view of US Pub 2004/0198279 to Anttila et al (hereinafter Anttila).

Claim 11 was amended to recite a first step of mobile terminals receiving an identifier specific to a MMS content from an MMSC server in an MMS-standardized point-to-point link notification, wherein the mobile terminals registered with said MMSC server as interested in said content prior to said first step. Claim 11, and claims depending therefrom, patentably distinguish over Lipsanen in further view of Kuisma and in further view of Kim and in further view of Fingerhut and in further view of Anttila for reasons similar to those discussed with regard to claim 1 provided above.

New claim 17 and claims depending therefrom patentably distinguish over Lipsanen in view of Kuisma and in further view of Kim and in further view of Fingerhut for reasons similar to those discussed with regard to claim 1 provided above.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 2, 7-9 and 11-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	18	- 20 =	0
INDEPENDENT CLAIMS	3	- 3 =	0

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account Number 06-0308.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Patrick D. Floyd, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

February 25, 2010

Date

  
\_\_\_\_\_  
Patrick D. Floyd, Reg. No. 39,671  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, Ohio 44115-1843  
216.363.9000

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